

**RECORDS CENTER FILING FORM**

for  
Information Request Letters and Notices (NOVs, NOPFs, and NOPVs)

**Complete one form per original document.** (Please see instructions on the back of this form.)

1. Document contains NON-RELEASABLE information (circle one): YES ☐ **NO** ☒
2. Program or Branch (circle one):  

RCRA	Superfund	ENSV/DISO	ENSV/NEPA	ARTD/RALI
ARTD/CRIB	ARTD/APDB	<b>ARTD/APCO</b>	WWPD/DWGW	WWPD/GPCB
WWPD/NFMB	WWPD/PEST	WWPD/WRPB		
3. Type of document (circle one): **INFO. REQUEST** NOV NOPF NOPV
4. Facility or Company Name: Buzzell Industries
5. Site Name, if no Facility or Company Name #4: \_\_\_\_\_
6. Identification Number (if applicable, RCRA I.D., CERCLA I.D., etc.): MO 099 00002
7. Name of person submitting document for filing: Lisa Hadden
8. Name of manager officially signing document: Carol Kather
9. Date document was submitted to Records Center (MM/DD/YYYY): 11/10/2006
10. Statute document was issued under (circle one): RCRA **CAA** CWA
- Other \_\_\_\_\_
11. Requirement document was issued under (circle one): Other \_\_\_\_\_  

RCRA:	Generator	Transporter	TSDf	Used Oil	Combustor	Corrective Action
CAA:	NSPS	<b>MACT</b>	SIP	CFC	NSR	
CWA:	NPDES-Municipal	NPDES-Industrial	Pretreatment-Municipal	Pretreatment-Industrial		
	Sludge	OPA	SSO	CSO	CAFO	Stormwater
12. Initiative document was issued under, if applicable (specify one):  
(name; eg. SSO, Wood Products 114s, etc) \_\_\_\_\_
13. Keywords for document to be searched under: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
14. Date or Date Stamp Date IRL or Notice was issued (MM/DD/YYYY): 11/21/2006
15. Due Date for IRL or Notice response (MM/DD/YYYY): 11/20/2006
16. Response Received Date for IRL or Notice (MM/DD/YYYY): \_\_\_\_/\_\_\_\_/\_\_\_\_

**FOR RECORDS CENTER PDF META-DATA FIELDS**

**Title:** Use #2 and #12 if listed. **Subject:** Use #4; if blank, use #5. **Author:** Use #8.  
**Keywords:** Statute (#10), Requirement (#11), Region 7, Company Name (use #4; if blank, use #5), Date Response Received (#16), and any additional information identified by the Compliance Officer (#13).

## Records Center Filing Form Instructions

### COMPLIANCE OFFICER

1. Circle "YES" or "NO" to specify whether or not the document contains **non-releasable information**. (Non-releasable information may include confidential business and/or enforcement confidential information, personnel privacy information, or privileged information - the default response is "no").
2. Circle the name of your **Branch or Program**.
3. Circle the **Type of Document** (e.g., IRL, NOV, NOPF, or NOPV).
4. List the name of the **Facility or Company** that the IRL or Notice was issued to.
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  3. **Water Program**, use: NPDES-Municipal, NPDES-Industrial, OPA, Pretreatment-Municipal, Pretreatment-Industrial, Sludge, SSO, CSO, CAFO, and Stormwater.
  4. **Other**, if the Requirement is not listed, specify in the "Other" field.
12. Circle or identify the **Regional or National Initiative** that the IRL or Notice was a part of, if applicable. If applicable, specify the name of the initiative.
13. Identify "**Keywords**" that may be useful to search for the document or within the document, for example: maintenance, purchase orders, requisitions, emissions data, etc.
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### RECORDS CENTER

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  2. **Subject**, use name listed in #4, if #4 is blank, use name in #5.
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**First**, list the statute (#10) **Second**, list the specific requirements (#11)  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

01 NOV 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Article Number: 7004 2510 0006 9718 1441

Mr. Stephen Miloscia  
Environmental and Safety Engineer  
Buzzi Unicem USA  
1000 River Cement Road  
Festus, Missouri 63028-0903

RE: Request for Information Pursuant to Section 114 of the Clean Air Act

Dear Mr. Miloscia:

This letter is to inform you that the United States Environmental Protection Agency Region 7 (EPA) has identified missing reports which should have been filed by Buzzi Unicem USA (Buzzi) for reporting years 2005 and 2006. EPA is specifically requesting information regarding Buzzi's Selma plant located in Festus, Missouri. This information will be used to assess Buzzi's compliance with the requirements of 40 CFR Part 63 Subpart LLL "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry."

Pursuant to the authority of Section 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a)(1), EPA may require any person who owns or operates any emission source to provide reports to determine whether any person is in violation of any emission standard under Section 7412 of the Clean Air Act. Buzzi is required to provide the following requested information and documentation within fourteen (14) days of receipt of this request.

Pursuant to 40 CFR § 63.1354(9), the owner or operator of an affected source must submit to EPA a summary report semiannually which contains the information specified in 40 CFR § 63.10(e)(3)(vi). To date, EPA has not received these reports for reporting years 2005 and 2006. Please provide a complete copy of all the summary reports required for the years 2005 and 2006.

Send your reply to:

U.S. Environmental Protection Agency  
ATTN: Lisa Hanlon, ARTD/APCO  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

If Buzzi wishes to assert a claim of business confidentiality covering all or part of the information provided to EPA pursuant to this requirement, such claim shall be submitted pursuant to 40 C.F.R. Part 2, Subpart B, at the time you submit the requested information.



Failure to comply with this request for information is a violation of Section 114 of the Act and could result in an enforcement action for the recovery of civil penalties not to exceed \$32,500 per day of violation, or for injunctive relief or both. Section 113 of the Act gives the EPA the authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification in any report required under the Act.

The Paperwork Reduction Act, 44 U.S.C. Chapter 35, does not apply to the information requested herein.

If you have any questions relating to this matter, contact Lisa Hanlon, Air Permits and Compliance Branch, at (913) 551-7599, or have your attorney contact Kelley Hickman, Office of Regional Counsel, at (913) 551-7110.

Sincerely,



Carol Kather  
Acting Director  
Air, RCRA, and Toxics Division

cc: Steve Feeler  
Missouri Department of Natural Resources

# RECORDS CENTER FILING FORM

for

Information Request Letters and Notices (NOVs, NOPFs, and NOPVs)

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WWPD/NFMB	WWPD/PEST	WWPD/WRPB		
- Type of document (circle one): INFO. REQUEST NOV NOPF NOPV
- Facility or Company Name: Buzzi Unicem
- Site Name, if no Facility or Company Name #: MS-099-00002
- Identification Number (if applicable, RCRA I.D., CERCLA I.D., etc.): \_\_\_\_\_
- Name of person submitting document for filing: Lisa Hanlon
- Name of manager officially signing document: Becky Weber
- Date document was submitted to Records Center (MM/DD/YYYY): 4/12/07
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

11 APR 2007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Article Number: 7004 2510 0006 9720 8261

C.T. Corporation System  
120 South Central Avenue  
Clayton, MO 63105

RE: River Cement Company d/b/a Buzzi Unicem U.S.A.  
Festus, Missouri  
Notice and Finding of Violation

Dear Sir/Madam:

The United States Environmental Protection Agency (EPA) hereby notifies River Cement Company (RCC), d/b/a Buzzi Unicem U.S.A. (Buzzi), that EPA finds RCC in violation of Missouri Code of State Regulations (C.S.R.) 10 C.S.R. § 10-6.220, and therefore in violation of an applicable state implementation plan approved by EPA pursuant to Section 110 of the Clean Air Act, 42 U.S.C. § 7410. RCC is also in violation of the Clean Air Act and its implementing regulations. 42 U.S.C. § 7412, 40 C.F.R. Part 63, Subpart LLL.

This letter constitutes a notice of a violation under the applicable state implementation plan pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). This Notice is not a comprehensive list of all possible violations of the Clean Air Act. The Notice does not constitute a waiver of EPA authority to pursue an enforcement action under Section 113 of the Act, or of state or local authority to pursue an enforcement action under applicable state and local statutes, for any violation addressed herein. The Notice does not affect RCC's responsibility to comply with any applicable federal, state or local regulations.

You may, upon request, confer with EPA to discuss actions to be taken by RCC to come into compliance with the Act. To schedule such a conference, please contact Kelley Hickman, Office of Regional Counsel, at (913) 551-7110 within ten days of receipt of this letter.

Sincerely,

Becky Weber  
Director  
Air, RCRA, and Toxics Division

Enclosure

cc w/ enclosure:

David A Nepereny  
Buzzi Unicem U.S.A.  
William S. Collumbien  
Buzzi Unicem U.S.A.  
William A. Humenuk  
Buzzi Unicem U.S.A.  
Stephen M. Miloscia  
Buzzi Unicem U.S.A.  
Steve Feeler  
Missouri Department of Natural Resources



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 North Fifth Street  
Kansas City, Kansas 66101

In the Matter of:	)	
	)	
River Cement Co.	)	
d/b/a Buzzi Unicem U.S.A.	)	Clean Air Act
1000 River Cement Road	)	42 U.S.C. § 7401 <i>et seq.</i>
Festus, Missouri 63028	)	

NOTICE AND FINDING OF VIOLATION

The United States Environmental Protection Agency (EPA) notifies River Cement Company (RCC), d/b/a Buzzi Unicem U.S.A. (Buzzi), that the EPA finds its Festus, Missouri facility in violation of Sections 110 and 112 of the Clean Air Act (CAA) as specifically set forth below. 42 U.S.C. §§ 7410 and 7412. This notification is issued pursuant to Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7413(a)(1), which provides that whenever, on the basis of information available to the Administrator, the EPA finds that any person has violated or is violating any requirement or prohibition of an applicable implementation plan or permit, EPA shall notify the person and the State in which the plan applies of such finding.

Accordingly, you are hereby notified that the EPA finds RCC d/b/a Buzzi in violation of provisions of Missouri Code of State Regulations (C.S.R.), 10 C.S.R. § 10-6.220, approved by EPA as part of the Missouri State Implementation Plan (SIP) pursuant to Section 110 of the CAA.

**I. BACKGROUND**

**A. GENERAL**

1. RCC owns or operates a portland cement facility in Jefferson County, Missouri.
2. RCC operates two long-dry kilns designated as Kiln 4001 and Kiln 4002. Effluent from the two kilns discharge through a single stack.

**B. STATE IMPLEMENTATION PLAN**

3. Because Jefferson County is located in an area that has been designated as part of the St. Louis Metropolitan area with respect to visible emission limitations, RCC is subject to the requirements of 10 C.S.R. § 10-6.220.
4. 10 C.S.R. § 10-6.220(3)(A) prohibits discharges into the atmosphere from any source in the St. Louis Metropolitan area, any visible emissions greater than twenty percent.

### C. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

5. Because RCC emits or has the potential to emit 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, it is a major source for purposes of Section 112 of the CAA. 42 U.S.C. § 7412.
6. Because RCC owns or operates a portland cement kiln at a major source pursuant to Section 112 of the CAA, RCC is subject to the National Emissions Standards of Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. 40 C.F.R. Part 63, Subpart LLL.
7. Subpart LLL provides in part that no owner or operator of an existing kiln at a facility that is a major source shall cause to be discharged into the atmosphere from this affected source, any gases which exhibit opacity greater than 20 percent. 40 C.F.R. § 63.1343(b)(2).
8. Subpart LLL further requires that the owner or operator of a kiln shall monitor opacity at each point where emissions are vented from affected sources. 40 C.F.R. § 63.1350(c). The owner or operator shall install, calibrate, maintain and continuously operate a continuous opacity monitor (COM) to continuously monitor the opacity. 40 C.F.R. § 63.1350(c)(1).

### II. VIOLATIONS

9. In response to an EPA information request letter, Buzzi provided EPA with copies of the 2005-2006 COM quarterly summary reports. The reports identify the following discharges of gases into the atmosphere from the Kiln 4001 and Kiln 4002 monostack which exhibit opacity greater than twenty percent:

2005	Minutes of opacity greater than 20%
1 <sup>st</sup> Quarter	14,399
2 <sup>nd</sup> Quarter	9,904
3 <sup>rd</sup> Quarter	12,194
4 <sup>th</sup> Quarter	12,846

  

2006	Minutes of opacity greater than 20%
1 <sup>st</sup> Quarter	7,066
2 <sup>nd</sup> Quarter	8,199
3 <sup>rd</sup> Quarter	5,829

10. Each exceedance of the emission limits set forth in paragraph 9 is a violation of the federally approved Missouri SIP, and a violation of the CAA and its implementing regulations. 10 C.S.R. § 10-6.220; 42 U.S.C. § 7412 and 40 C.F.R. Part 63, Subpart LLL.

### III. POTENTIAL LIABILITY

11. Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such a finding. At any time after the expiration of thirty (30) days following the date this Notice and Finding of Violation, the Administrator may, without regard to the period of violation:

- a. Issue an administrative penalty order assessing a civil penalty not to exceed \$32,500 per day for each violation that occurred after March 15, 2004;
- b. Issue an order requiring compliance with the requirements or prohibitions of the applicable plan or permit;
- c. Bring a civil action for permanent or temporary injunction, or to recover a penalty, not to exceed \$32,500 per day for each violation that occurred after March 15, 2004; or
- d. Request the Attorney General to commence a criminal action in accordance with Section 113(c).

12. The issuance of this Notice of Violation/Finding of Violation does not preclude the State of Missouri, or the EPA from assessing penalties, or taking any action authorized by the Act. This Notice and Finding of Violation does not affect the obligation of RCC to comply with all applicable and federal, state, or local regulations.

13. Pursuant to Section 306 of the Clean Air Act, 42 U.S.C. § 7606; Executive Order 11738; and EPA regulations issued thereunder, 40 C.F.R. Part 15; facilities to be utilized in federal contracts, grants, and loans must be in compliance with standards established pursuant to the Act. The violations set forth in this notification may result in ineligibility to participate with a federal contract, grant, or loan.

Date

4/5/07

Becky Weber

Director

Air, RCRA, and Toxics Division